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OF

HON. BENJ. PRINGLE, OF NEW YORK

ON THE

NEBRASKA AND KANSAS BILL,

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, MAY 19, 1854.

WASHINGTON:

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NEBRASKA AND KANSAS.

The House being in the Committee of the Whole on the state of the Union—

Mr. PRINGLE said:

Mr. CHAIRMAN: An exposure of the enormities of the bill now before us would destroy all chance of its enactment, were it not that Executive influence and party drill have been brought into the contest. In this view it seems almost useless, after the many able speeches that have already been made, to continue the discussion. Nevertheless, I conceive it to be my duty to omit no proper occasion to add my testimony against the measure, leaving the responsibility of its passage, if pass it must, with those who find it consistent with their sense of duty to support it.

At the commencement of the present session of Congress there seemed to be no great question before the country calculated to excite undue agitation or disturbance. All was peace and quiet. There was a general disposition on the part of the members of this body to be useful in their action, to promote the welfare of the whole nation, and, under our beneficent institutions, to carry onward and upward the great work of human advancement; but this bill has been thrust upon us, to the exclusion of all needful and proper legislation. It may well be regarded as a "Pandora's box" thrown open in our midst, destroying all our promised harmony and usefulness as legislators.

There are many objectionable features in the bill now before the committee, some of which I shall allude to, and some, for the want of time, I shall pass by in silence; but the chief, the grand objection, which, in my mind, overshadows all others, is the fact that it proposes a violation of good faith. It proposes to abrogate the restriction against slavery north of 36° 30' after all the territory south of that line has been converted into slave States. This line, forced upon the North by southern representatives and northern "dough-faces," it is now proposed to erase, and the power that is to annul is composed of the same *matériel* that established it. All the barriers against slavery are to be broken down; the dedication of the virgin soil of

Nebraska and Kansas to liberty is to be canceled. The victims of avarice and cupidity, of tyranny and oppression are there to be herded together. The groans of men and the shrieks of women are to render horrible its flowery prairies and its charming woodlands.

Suppose you repeal the Missouri compromise, what will become of the compromises of 1850? Have they any sacredness? With what grace can the South ask of the North to leave upon the statute-book laws heretofore enacted at her request? What safety will there be to slavery in the District of Columbia, or to the slave commerce between the States, or to the fugitive slave law? The North has strength, when united, sufficient to resist the aggressions of the slave power, and there will be union. It is safe to predict that, if this odious measure is consummated, it will be the last advantage that slavery will gain over freedom in this country. Never before, by any question, has the free spirit of the North been so aroused. There exists an almost universal feeling of abhorrence to the measure, and the people are disposed to visit with their bitter indignation all who are found aiding and abetting the perpetration of the outrage.

It may be well to remark, that the opinion which the North entertains of slavery is derived, not from the fanatics and madmen of their section, but from the statesmen, sages, and philanthropists of the South; from men who were born, and reared, and educated where the institution exists; from such men as Washington, and Jefferson, and Henry, and Madison—whose memories we all venerate. It is unnecessary to quote their sentiments or language, for they are familiar as household words; and yet it may be pardonable to read an extract from the original draft of the Declaration of Independence, to show what, in the mind of Jefferson, was one of the grounds of complaint against the King of Great Britain. These are his words:

"He has waged a cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, capturing and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare—the opprobrium of *infidel*

powers, is the warfare of the CHRISTIAN King of Great Britain—determined to keep open a market where MEN should be bought and sold. He has prostituted his negative, by suppressing every legislative attempt to prohibit or restrain this execrable commerce."

The patriots and statesmen of the Revolution battled not for INDEPENDENCE only; they were *lovers of LIBERTY*. They had borne the exactions and inflictions of a foreign tyrant too long to be satisfied *only* with independence. They wanted liberty with it; and for the first years of our independence, and during the lives of the actors in the Revolution, free principles were cherished to a considerable extent, both North and South. The evils of slavery were seen and acknowledged. The difficulties in the way of its banishment were felt and lamented. The high-priest of Democracy, Thomas Jefferson, was the friend of freedom, and his writings are filled with expressions of his hatred of the institution as it existed in his day; and there is no evidence that the condition of the slave is ameliorated, or that the master is any the less subject to its baleful influences.

In the judgment of many, the system of slavery is more injurious to the whites than to the blacks. How men, professing republicanism, can be the friends of slavery, is strange, "passing strange." There seems to be no affinity between republicanism and slavery. If slavery exists, there must be despotism on one side and degradation on the other. There can be no equality.

An extract from "Jefferson's Notes on Virginia" will show his opinion of the institution, which the gentleman from Virginia [Mr. SMITH] believes to be of *divine* origin. Here it is:

"There must doubtless be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive, either in his philanthropy or his self love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose rein to his worst passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration should the statesman be loaded, who permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labor for another; in which he must look up the faculties of his nature, contribute as far as he depends on his individual endeavors to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is destroyed. For in a warm climate, no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labor. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just; that his justice cannot sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference. The Almighty has no attribute which can take sides with us in such a contest."

That there has been no change for the better in the institution of slavery, since we became an independent people, has not been pretended. Indeed, it is not in the nature of the thing that it should improve while its victims are on the increase. That its effects upon the community where it is located are the same now as formerly, in the opinion of some southern men, may be seen in the following extract from a speech of the Hon. C. J. FAULKNER, of Virginia, now a member of this House:

"Slavery, it is admitted, is an evil; it is an institution that presses heavily against the best interests of the State. It banishes free white labor; it exterminates the mechanic, the artisan, the manufacturer; it deprives them of occupation; it deprives them of bread; it converts the energy of a community into indolence, its power into imbecility, its efficiency into weakness. Sir, being thus injured, have we not a right to demand its extermination? Shall society suffer, that the slaveholder may continue to gather his *crop* of human flesh? What is his mere pecuniary claim, compared with the great interests of the common weal? Must the country languish, droop, die, that the slaveholder may flourish? Shall all interests be subservient to one; all rights subordinate to those of the slaveholder? Has not the mechanic, have not the middle classes their rights—rights incompatible with the existence of slavery?"

In view of the whole matter, well might the patriot Jefferson exclaim, "I TREMBLE FOR MY COUNTRY WHEN I REFLECT THAT GOD IS JUST." And well may SLAVERY, as its hideous features are disclosed, in the language of the Veiled Prophet, exclaim:

"Here, judge if hell, with all its power to damn,
Can add one curse to the foul thing I am!"

Mr. Chairman, it is not my purpose in this place to wage war against slavery, nor to speak of it, except it be germane to the subject before us; but if the slave propagandists seek the aid of Congress to extend what I deem a curse over the free Territories of this Union, to prevent the laboring freemen from enjoying or living in them, I shall not hesitate while I have a place here to canvass the evils of the institution boldly and fearlessly. If gentlemen do not like to hear the subject talked about, let them keep it away from our Halls of legislation. The free States have banished it from their domain. They mean to be rid of it in the Territories and throughout the Union, so far as the Constitution will permit. They mean not to be responsible for it in any manner, except when compelled by the Constitution. They have, however, no intention of interfering with the domestic affairs of any of the States. If slavery be a blessing, they who have it may enjoy it. If it be a curse, they who have it must bear it. Seek not, however, to extend its demoralizing, blighting, baneful influences over territory now free.

The object in view by the framers of the Constitution, if we may judge by the introduction or preamble thereto, was not the perpetuation of human slavery; but it is declared that "we, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the BLESSINGS OF LIBERTY to ourselves and our posterity, do ordain and establish this Constitution of the United States of America." Now, how shall we best "promote the general welfare?" Not, surely, by discouraging honest labor, and "crushing out" all feelings of humanity. And how shall we best "secure the blessings of liberty to ourselves and our posterity?" Not, surely, by encouraging sla-

very; not, surely, by nursing one portion of our population into tyrants and despots, and degrading the other into stupid slaves. No! The sages of that day were republican at heart; they saw the evils, the wickedness of slavery, and they anticipated its final extinction. It is true that there are in the Constitution some compromises between freedom and slavery; those must be observed by the North in good faith, so long as the Constitution exists; but, in my humble judgment, the North, if true to the rights of humanity, if true to itself, will compromise freedom no further; no, not so much as the breadth of a hair. The North should say to the South, "You are entitled to your pound of flesh, for it is so nominated in the bond; take it, but take no more. There shall be no more yielding, no more submission to slavery aggression."

It is denied by some abstractionists that Congress has any power to legislate for the Territories; let us see how this is. The third section of the fourth article of the Constitution provides:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

Let us examine this provision, and endeavor to ascertain its true meaning. In the first place, the power is given to Congress to "dispose of" the territory or other property. The expression, "dispose of," is broad and comprehensive; none more broad or comprehensive could have been used. It authorizes, not only the selling of it, and giving it away, but the *getting rid of it* in any manner which to Congress may seem fit. It, in fact, gives to Congress unqualified and unlimited power as to the disposition of the territory. Congress, in this respect, is entirely sovereign, responsible only to the people for a proper exercise of that sovereignty.

Besides the power to "dispose of," Congress also has authority to "make all needful rules and regulations respecting the territory," &c. Now what are "rules and regulations," but "laws," and what is "law" but a "rule or regulation?" Can Congress make no law, or rule, or regulation, but what relates to the sale of the territory, as is claimed by some of the southern gentlemen on this floor? Has Congress no higher duty than to see that the vast territories owned by the United States shall bring to our coffers the greatest amount of money? I have always supposed that the Constitution of the United States was framed for some nobler purpose—that the language of the Constitution truly expressed the object and purpose in view, when it declared that it was adopted "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity;" and I have always supposed it to be the duty of Congress to carry out in good faith, and according to the best of their ability, in the territories of the United States, all the intentions, principles, and purposes avowed in our grand charter of Government. The future happiness and welfare of these territories, in my judgment, demand that they be kept free; and the present happiness and quiet of the States, in no less positive tones, demand that these Territories be kept free; and woe to the power that shall trample in the dust the

principles of freedom, and extend over the land of the free the withering blight of African slavery.

It is claimed by some of the advocates of this bill that it establishes a great Democratic principle—the principle of popular sovereignty, of non-intervention. Now, if I rightly understand the provisions of this bill, it establishes no such thing, but the reverse. There is scarcely a provision that it is not an "intervention." It provides, among other things, for the appointment of Governors, judges, marshals, and other officers, by the President, by and with the consent of the Senate. The people of the Territories have no voice in the matter; and without the consent of the people it extends over them not only the Constitution, but all laws of the United States which are not locally inapplicable, except the eighth section of the act preparatory to the admission of Missouri into the Union, commonly called the Missouri compromise, which, says the bill,

"being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

Now, if there be not "intervention" here, will some gentleman be kind enough to inform me what is meant by "intervention?" By this bill you appoint officers to govern the Territories; you say what laws shall be extended over them; you repeal a law that did extend over the Territories, all without the people having one word to say about it, and then you call it "non-intervention." But the bill declares it to be the "true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way," &c. Now, this is as deceptive and false as other pretensions in regard to this bill. There is no intention of giving to the people of these Territories the power of prohibiting slavery in these Territories, as I think I can conclusively show. It is but a transfer of the power of Congress over this question, not to the people of the Territories, but to the President of the United States, and the matter will be settled, I fancy, in this way. A pro-slavery President will nominate for Governors, either slaveholders or pro-slavery men from the South, or dough-faces from the North. A pro-slavery Senate will consent to their appointment. Such will be the course as to the appointment of other officers. No friend of freedom will have a place there. By the terms of the bill, the Governors are to mark out the election districts, and apportion the members of the Council, and the members of the Legislative Assembly; and if, by accident, the Legislatures of the Territories should be so audacious as to pass a law forbidding slavery, the Governor may, and doubtless will, interpose his veto. With such Executives and such Legislatures, what chance has freedom? And suppose that no law be passed by the Territorial Legislatures, either authorizing or pro-

hibiting slavery, what chance for freedom will there be to the negro, who shall be accused of being a slave? The pro-slavery judges, most likely, will hold that slavery exists in all places where not forbidden by positive enactment. This, of course, is contrary to all the legal judgment of the North, and contrary to opinions formerly held at the South; yet this is the doctrine advocated by the southern advocates of this bill; and as are the friends of this bill, and as are the President and Senate, so will be the judges of these Territories. In this condition of things, the only hope of establishing freedom in the Territories at the first, lies in the concerted movement, which I trust is about being made at the North, to induce free northern men to settle these Territories in such multitudes as to overawe and overrule the officers that shall be sent there by the Executive.

It is urged by some Representatives from the South, as a reason why the restriction against slavery in these Territories should be abrogated, that the offer to surrender it comes from the North. Sir, I pronounce any northern man who makes such a proposition a traitor to his constituency, a traitor to the North, and a traitor to liberty. He has no more right to sell freedom in these Territories to slavery than his more notable and not less guilty prototype of the Revolution had to sell the liberty of his country at West Point. And let me assure southern gentlemen, that if they vote to repeal this compromise, they will not be justifiable nor excusable, even though northern traitors may receive a deeper condemnation. Was Pontius Pilate excusable when, after the betrayal by Judas, at the instance of the clamorous Jews, he surrendered our Saviour to crucifixion? Did washing cleanse his hands of blood? Neither Judas nor the Jews had the power to crucify without the aid of Pilate. Now, a northern traitor may betray freedom, and northern dough-faces may clamor for its sacrifice, yet without the aid of your votes, gentlemen of the South, the black deed cannot be accomplished; and if by your power liberty be destroyed, all the water of the "Father of Rivers" will not suffice to wash away your guilt.

It would not be proper to impute, nor do I impute, bad motives to members of this or the other branch of the National Legislature; but I cannot fail to remark, that sudden and remarkable changes have occurred in the minds of many members of both Houses as to the merits of the bill now under consideration, and the necessity that exists for passing it. What the arguments were that induced these changes can only be conjectured; they have not been made manifest in debate. But to show the frailty and mutation of some northern men under trying circumstances, I beg leave to introduce a few expressions of opinion.

Senator DORGANS, in a speech to the people of Illinois, delivered at Springfield, in 1849, speaking of the Missouri compromise, uses the following remarkable language:

"The Missouri compromise had then been in practical operation for about a quarter of a century, and had received the sanction and approbation of men of all parties in every section of the Union. It had allayed all sectional jealousies and irritations growing out of this vexed question, and harmonized and tranquilized the whole country. It had given to Henry Clay, as a prominent champion, the proud sobriquet of the 'Great Pacificator,' and by that title, and for that service, his political friends had repeatedly appealed to the people to rally under his standard as a presidential candidate, as the man who had exhibited the patriotism and

the power to suppress an unholy and treasonable agitation, and preserve the Union. He was not aware that any man or party, from any section of the Union, had ever urged as an objection to Mr. Clay that he was the great champion of the Missouri compromise. On the contrary, the effort was made by the opponents of Mr. Clay, to prove that he was not entitled to the exclusive merit of that great patriotic measure, and that the honor was equally due to others as well as to him, for securing its adoption; that it had its origin in the hearts of all patriotic men who desired to preserve and perpetuate the blessings of our glorious Union—an origio akin to that of the Constitution of the United States, conceived in the same spirit of fraternal affection, and calculated to remove forever the only danger which seemed to threaten, at some distant day, to sever the social bond of union. All the evidences of public opinion at that day seemed to indicate that this compromise had become canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever be reckless enough to disturb."

And on another occasion the same gentleman said:

"My preference for the Missouri compromise was predicated on the assumption that the whole people of the United States would be more easily reconciled to that measure than to any other mode of adjustment; and this assumption rested upon the fact that the Missouri compromise had been the means of an amicable settlement of a fearful controversy in 1820, which had been acquiesced in cheerfully and cordially, for more than a quarter of a century, and which all parties and all sections of the Union professed to cherish as a fair, just, and honorable adjustment."—*Remarks in the United States Senate, December 23, 1851—Congressional Globe, vol. 25, p. 67.*

And the same Senator, who is the putative father of this bill, in an address to his constituents after the passage of the compromise measures of 1850, said:

"I am prepared to stand or fall by the American Union, clinging with the tenacity of life to all its glorious memories of the past, and the precious hopes of the future; and among those glorious hopes of the past I pronounce the compromise of 1820 to be one."

It would seem from his present course that his "glorious hopes" are becoming weakened, or that he expects sustenance from some other quarter.

Another notable case of progress among northern politicians is exhibited by contrasting the action of the New Hampshire Senators on this bill with the action of the New Hampshire Legislature, as evidenced by the following resolutions, which received the vote of every "Democratic" member of both branches:

Resolved by the Senate and House of Representatives, in General Court convened, That we regard the institution of slavery as a moral, social and political evil, and as such we deeply regret its existence, and are willing to concur in all reasonable and constitutional measures that may tend to its removal.

Resolved, That in all territory which may hereafter be added to, or acquired by the United States, where slavery does not exist at the time of such addition or acquisition, neither slavery nor involuntary servitude, except for the punishment of crime, whereof the party has been convicted, ought ever to exist, but the same should remain free; and we are opposed to the extension of slavery over any such territory; and that we also approve of the vote of our Senators and Representatives in Congress in favor of the Wilmot proviso.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, by all expedient and constitutional means and measures, to sustain the principles herein above set forth.

MOSES NORRIS, Junior,
Speaker of the House of Representatives.

HARRY HIBBARD,
President of the Senate.

Approved June 30, 1847.

JARED W. WILLIAMS, Governor.

The late Speaker of the House of Representatives, and the late Governor of that State, who certified these resolutions, are now honorable Senators of the United States, and have lately voted to

repeal the "Missouri compromise;" and the late President of the Senate of that State, who joined with them in such certificate, is now a member of this House, and claims, *par excellence*, to be the friend and mouth-piece of the Administration, and ready to vote as the Senators from New Hampshire have voted. It is unnecessary to characterize a history like this with fitting epithet—the naked facts are sufficient. It seems, too, that the President is as fallible, as changeable as some other New Hampshire politicians. In the last presidential contest he claimed to stand upon what was called the "Baltimore platform." He believed in the "*finality*" of the compromise measures of 1850. There was to be no more slavery agitation in any quarter. Every effort to disturb, by the repeal of these measures, the peace and quiet of the country, (which it was claimed these measures had secured,) was to be put down; and no longer ago than the commencement of the present session of Congress, we find the President, in his annual message, using the following language:

"It is no part of my purpose to give prominence to any subject which may properly be regarded as set at rest by the deliberate judgment of the people. But while the present is bright with promise, and the future full of demand and inducement for the exercise of active intelligence, the past can never be without useful lessons of admonition and instruction. If its dangers serve not as beacons, they will evidently fail to fulfill the object of a wise design. When the grave shall have closed over all who are now endeavoring to meet the obligations of duty, the year 1850 will be recalled to as a period filled with anxious apprehension. A successful war had just terminated. Peace brought with it a vast augmentation of territory. Disturbing questions arose, bearing upon the domestic institutions of one portion of the Confederacy, and involving the constitutional rights of the State. But notwithstanding differences of opinion and sentiment, which then existed in relation to details and specific provisions, the acquiescence of distinguished citizens, whose devotion to the Union can never be doubted, has given renewed vigor to our institutions, and restored a sense of repose and security to the public mind throughout the Confederacy. THAT THIS REPOSE IS TO SUFFER NO SHOCK DURING MY OFFICIAL TERM, IF I HAVE POWER TO AVERT IT, THOSE WHO PLACED ME HERE MAY BE ASSURED."

Now, instead of remaining true to his principles thus solemnly announced; instead of attempting to "avert," by his official power, the agitation of the troublesome question of slavery; instead of his performing his promise, *that the repose of the country should suffer no shock during his official term, if he had the power to prevent it*, we find him the very prince of agitators; we find the repeal of

the "Missouri compromise" is made "*the measure*" of the Administration, and friends of the Administration are threatened with ostracism if they do not support it. Thank God, there are some noble spirits that do not quail before the threats and denunciations of the Executive, but stand up in all their pride of manhood "for freedom and the right!"

But the country was promised repose from agitation and excitement. Why, sir, compared with the agitation and excitement that will be awakened and started into life by the adoption of this wicked project, all former agitation and excitement will sink into utter insignificance and be forgotten. By what has been, you may judge what may be. Sir, I am no alarmist; I am no prophet; but I believe that if, notwithstanding the petitions, the remonstrances, and the indignant protests that have been poured in upon us from State Legislatures, from popular assemblies, from men of all ranks and conditions in life; if, in defiance of the almost universal feeling of the free States, this Congress shall consummate the iniquity that is now attempted, the North will be forced, however much to be regretted, and however much it may be lamented—I say the North will be *forced* to unite to recover its lost rights; to roll back the tide of slavery extension; to restrict the institution to its constitutional limits; to fence it in, and confine it to the States where it exists.

The only way—and there is a way left to prevent this union, this organization at the North—lies open before southern Representatives on this floor. If they, in a patriotic spirit, with something of the courage and chivalry which have so long been their boast, will unitedly come forward and trample under foot this project, so offensive to the North, the spirit of hostility would die away, the sun of harmony and good feeling would again shine upon us. But if the South unite to pass this bill in its present shape, whether success attend such union or not, the feeling of trust and confidence that heretofore has been reposed in the honor and integrity of the South, will be annihilated. All compromises, save only the compromises of the Constitution, must come to an end. They are not worth the parchment upon which they are written. Whether or not this is to be the condition of things, let the South decide. Would that she might decide wisely.

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